IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL
ORIGINAL JURISDICTION

Dated: Nainital: the 7th day of August 2003
IInd Bail Application No. 662 of 2003
Order on the bail application of accused.

CRIMINAL SIDE

Sagir Ahmad S/o Sri Amir Bakas
R/o Ward No.3 Kasba & Police Station Kichha
District – Udham Singh Nagar. ----------Applicant

Versus

State of Uttaranchal ----------Opposite party

Arising out of case crime No. 937 of 2001
U/ss 326,504,506 IPC
Police Station –Kichha,
District – Udham Singh Nagar.

By the Court

Hon'ble Irshad Hussain J.

Heard Sri S.K.Mandal, learned counsel for the applicant and learned A.G.A.

This is an application for bail under the provisions of section 437(6) of the Code of Criminal Procedure in view of the fact that the trial has not been concluded within a period of six months and the applicant accused is in jail from 18-10-2001. The attention was drawn to the fact that an order U/s 319 Code of Criminal Procedure was passed by the learned Magistrate in order to proceed against the persons who were not charge sheeted after investigation. Against that order a revision was filed before the learned Sessions Judge and in those proceedings further trial was stayed. Even otherwise the cause for bail, is not sufficient in view of the pending application and revision and therefore the applicant-accused cannot be extended benefit of the said provision and cannot be granted bail. The application is rejected.

The learned Sessions Judge Udham Singh Nagar is directed to disposed of the criminal Revision No. 12/2003 Nauser Ali and others versus State of Uttaranchal within a period of ten days from the date of the receipt of the copy of this order, and thereafter the learned

Magistrate shall expedite the trial o the case against applicant-accused and others.

(Irshad Hussain, J.)

Dated: 7-8-03

ISB